

REMARKS

In the Office Action mailed October 5, 2007, the Examiner rejected claims 1, 3, 5, 9, 11-38, and 41-45 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, 9, 11-24, 26-29, 33, 35-42, and 50 of Application No. 10/520,529 ("the '529 Application").

Claims 1, 3, 5, 9, 11-38, and 41-45 are currently pending in this application.

Applicants respectfully traverse the Examiner's rejection of claims 1, 3, 5, 9, 11-38, and 41-45 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over various claims of the copending '529 Application. Applicants disagree with the Examiner's characterizations of the claimed invention and the '529 Application. In order to expedite prosecution of this application, however, Applicants submit herewith a Terminal Disclaimer to obviate the provisional double patenting rejections based on Application No. 10/520,529. The filing of the Terminal Disclaimer in no way manifests an admission by Applicant as to the propriety of the double patenting rejections. See M.P.E.P. § 804.02 citing Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicant respectfully requests the withdrawal of the double-patenting rejection in view of the Terminal Disclaimer attached hereto.

Accordingly, for at least the reasons discussed above, and in light of the filing of the attached Terminal Disclaimer, Applicants respectfully request the timely allowance of claims 1, 3, 5, 9, 11-38, and 41-45.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: January 7, 2008

By: _____
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Attachment: a Terminal Disclaimer.